



Docket No. PRD2101NP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Paul J. Dunford et al.

Serial No. : 10/656,504 Art Unit:

Filed : September 6, 2003 Examiner:

For : METHOD TO TREAT ALLERGIC RHINITIS

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December 4, 2003

(Date of Deposit)

John W. Harbour

(Name of applicant, assignee, or Registered Representative)

December 4, 2003

(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with the first or second After Final Submission, therefore:

- Statement in Accordance with §1.97(e)
(attached); or
- Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

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- Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:
- In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
- Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the

national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i).

There are no listed references which are not in the English language.

The relevance of those listed references which are not in the English language is as follows: English abstracts are attached for the following patents:DE2157424A, DE4307883A1, EP0624575A1, EP0655440A2, JP01132579A2, JP5025131A, JP9124631A SU1074094A1, WO97/03965 WO99/05121 and WO01/74774A1.

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/PRD2101/JWH. This form is submitted in triplicate.

Respectfully submitted,



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DATED: December 4, 2003



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Sheet 1 of 4

4 <u>Filing Date</u>	10/656,504 September 5, 2003
<u>First Named Inventor</u>	Paul J. Dunford
<u>Group Art Unit</u>	
<u>Examiner Name</u>	
<u>Attorney Docket Number</u>	PRD2101NP

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code* (if known)			
		USPN 4,115,589		Weber, R.-O. et al.	09-19-1978	
		USPN 4,374,990		Weber, R.-O. et al.	02-22-1983	
		USPN 5,563,142		Palmer, J.R. et al.	10-08-1996	
		USPN 5,814,644		Kulagowski, J.J. et al.	09-29-1998	
		USPN 5,891,902		Machii, D. et al.	04-06-1999	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	KindCode ⁵				
		JP	01132579 ✓	A2	S. S. Pharmaceutical Co., Ltd.	05-25-1989	(SciFinder Abstract)	
		SU	1074094 ✓	A1	A. Med. Pharmacology Res. Inst.	04-23-1992	(DIALOG ® File 351 : Derwent WPI)	
		JP	5025131 ✓	A2	Toray Industries Inc.	02-02-1993		
		EP	0548798 ✓	A1	Sanwa Kagaku Kenkyusho Co., Ltd.	06-30-1993		
		DE	4307883 ✓	A1	Westarp, Martin-Egon, Dr. med.	09-23-1993		
		WO	94/08781 ✓		The Upjohn Co.	05-11-1994		
		EP	0824575 ✓	A1	Adir et Compagnie	11-17-1994		
		EP	08655440 ✓	A2	F. Hoffmann-La Roche A.G.	05-31-1995		
		WO	97/03965 ✓		Kyowa Hakko Kogyo Co., Ltd.	02-06-1997		
		JP	9124631 ✓	A	Senseishiyu Chiyuiku Kenki; Mitsubishi Chem. Corp.	05-13-1997		
		WO	98/01443 ✓		Smithline Beecham S.p.A.	01-15-1998		
		WO	99/058121 ✓		Laboratorios del Dr. Esteve, S.A.	02-04-1999		
		WO	01/74774 ✓	A1	Daiichi Pharmaceutical Co.	10-11-2001		
		WO	91/09849 ✓	A1	The Upjohn Company	07-11-1991		
		WO	99/09025 ✓	A2	Pfizer Products Inc.	02-25-1999		
		WO	01/64676 ✓	A2	Scios, Inc.	09-07-2001		
		EP	0318235 ✓	A2	Takeda Chemical Industries, Ltd.	05-31-1989		
		EP	0324431 ✓	A1	Fujisawa Pharmaceutical Co., Ltd.	07-19-1989		
		EP	0978512 ✓	A1	Societe Civile Bioproject	02-09-2000		
		DE	2157424 ✓	A	Chemische Werke Albert AG	05-24-1973		

Examiner _____ **Date** _____



[Signature]

[Considered]

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbol as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant may place a check mark here if English language Translation is attached.

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Substitute File No. 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 3 of 4

Application Number	10/656,504
Filing Date	September 5, 2003
First Named Inventor	Paul J. Dunford
Group Art Unit	
Examiner Name	
Attorney Docket Number	PRD2101NP

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner's Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
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Examiner
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